

Conference Engrossed

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

CHAPTER 348

HOUSE BILL 2868

AN ACT

AMENDING SECTIONS 12-1841 AND 41-191.09, ARIZONA REVISED STATUTES; MAKING A
CONDITIONAL APPROPRIATION; RELATING TO CRIMINAL JUSTICE BUDGET
RECONCILIATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 12-1841, Arizona Revised Statutes, is amended to
3 read:

4 12-1841. Parties; notice of claim of unconstitutionality

5 A. When declaratory relief is sought, all persons shall be made
6 parties who have or claim any interest which would be affected by the
7 declaration, and no declaration shall prejudice the rights of persons not
8 parties to the proceeding. In any proceeding which involves the validity of
9 a municipal ordinance or franchise, such municipality shall be made a party
10 and shall be entitled to be heard. In any proceeding in which a state
11 statute, ordinance, franchise or rule is alleged to be unconstitutional, the
12 attorney general AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE
13 PRESIDENT OF THE SENATE shall be served with a copy of the pleading, motion
14 or document containing the allegation at the same time the other parties in
15 the action are served and shall be entitled to be heard.

16 B. If a pleading, motion or document containing the allegation is
17 served on the attorney general AND THE SPEAKER OF THE HOUSE OF
18 REPRESENTATIVES AND THE PRESIDENT OF THE SENATE pursuant to subsection A, a
19 notice of claim of unconstitutionality shall be attached to the pleading,
20 motion or document as the cover page and shall state the following
21 information:

22 1. The name, address and telephone number of the attorney for the
23 party alleging that a state law is unconstitutional or the name, address and
24 telephone number of the party if the party is not represented by an attorney.

25 2. The case name, court name, caption and case number of the
26 proceeding.

27 3. A brief statement of the basis for the claim of
28 unconstitutionality.

29 4. A brief description of the proceeding, ~~and attaching~~ WITH copies of
30 any court orders in the proceeding if the claim of unconstitutionality is
31 asserted in a pleading, motion or document other than the pleading, motion or
32 document that initiated the proceeding.

33 5. The date, time, location, judge and subject of the next hearing in
34 the proceeding, if any.

35 C. If the attorney general ~~is~~ OR THE SPEAKER OF THE HOUSE OF
36 REPRESENTATIVES AND THE PRESIDENT OF THE SENATE ARE not served in a timely
37 manner with notice pursuant to subsection A, on motion by the attorney
38 general, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES OR THE PRESIDENT OF THE
39 SENATE the court shall vacate any finding of unconstitutionality and shall
40 give the attorney general, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES OR THE
41 PRESIDENT OF THE SENATE a reasonable opportunity to prepare and be heard.

1 Sec. 2. Section 41-191.09, Arizona Revised Statutes, is amended to
2 read:

3 41-191.09. Attorney general legal services cost allocation
4 fund; contributions; exemptions

5 A. The attorney general legal services cost allocation fund is
6 established for the purpose of reimbursing the department of law for general
7 agency counsel. Monies in the fund are subject to legislative appropriation.
8 The attorney general shall administer the fund.

9 B. Beginning July 1, 2006, all state agency appropriated and
10 nonappropriated funds shall contribute a pro rata share of general agency
11 counsel services provided by the department of law. The pro rata share is
12 payable by payroll fund source, and the resultant amount shall be deposited
13 in the attorney general legal services cost allocation fund. Beginning
14 July 1, 2006, the pro rata share for each fund shall be ~~0.33~~ 0.635 per cent
15 of the total payroll. For the purposes of this subsection, "total payroll"
16 includes federal monies, STATE GENERAL FUND MONIES, special revenue funds,
17 intergovernmental revenue monies, trust funds and other payroll fund sources.
18 ~~Total payroll does not include any state general fund monies.~~

19 C. A claim for the pro rata share percentage payment shall be
20 submitted according to the fund source, with the accompanying payroll, to the
21 department of administration for deposit in the attorney general legal
22 services cost allocation fund.

23 D. The following agencies are exempt from this section:

- 24 1. The department of water resources.
- 25 2. The residential utility consumer office.
- 26 3. The industrial commission.
- 27 4. The universities.
- 28 5. The auditor general.
- 29 6. The corporation commission.
- 30 7. The office of the governor.
- 31 8. The department of law.
- 32 9. The house of representatives.
- 33 10. The senate.
- 34 11. The joint legislative budget committee.
- 35 12. The Arizona state library, archives and public records.
- 36 13. The legislative council.
- 37 14. The department of administration risk management fund.
- 38 15. The department of transportation.
- 39 16. The Arizona game and fish department.
- 40 17. THE DEPARTMENT OF ECONOMIC SECURITY.
- 41 18. THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM.
- 42 19. THE SUPERIOR COURT.
- 43 20. THE COURT OF APPEALS.
- 44 21. THE SUPREME COURT.

1 22. THE ARIZONA DEPARTMENT OF AGRICULTURE AND COUNCILS THAT RECEIVE
2 ADMINISTRATIVE AND BUDGETARY SERVICES FROM THE ARIZONA DEPARTMENT OF
3 AGRICULTURE.

4 ~~17.~~ 23. All self-supporting regulatory agencies as determined pursuant
5 to section 35-143.01.

6 E. Monies in the attorney general legal services cost allocation fund
7 are exempt from lapsing to the state general fund at the end of each fiscal
8 year.

9 Sec. 3. Department of corrections budget structure

10 Notwithstanding any other law, the department of corrections shall
11 report actual fiscal year 2005-2006, estimated fiscal year 2006-2007 and
12 requested fiscal year 2007-2008 expenditures for each line item delineated in
13 the fiscal year 2006-2007 general appropriation act when the department
14 submits the fiscal year 2007-2008 budget request pursuant to section 35-113,
15 Arizona Revised Statutes. The information submitted for each line item shall
16 contain as much detail as submitted in previous years for prior line items.

17 Sec. 4. Department of administration; bed contracting;
18 conditional appropriation

19 A. The department of administration shall issue a request for
20 proposals for three thousand prison beds to be opened beginning in April,
21 2008. The department of corrections and private prison vendors may bid for
22 all or a portion of the three thousand beds. The procurement office of the
23 department of administration may award contracts to one or more bidders. The
24 department shall submit the request for proposals to the joint legislative
25 budget committee for review on or before October 2, 2006 and shall post the
26 request for proposals on or before December 22, 2006. The department shall
27 award and give notice to proceed to a successful bidder or bidders by May 31,
28 2007 and shall execute the contract or contracts with a successful bidder or
29 bidders on or before June 30, 2007. The department shall submit the contract
30 or contracts to the joint legislative budget committee for review before
31 execution of the contract.

32 B. If the department executes a contract pursuant to subsection A, the
33 sum of \$11,193,000 is appropriated from the state general fund in fiscal year
34 2007-2008 to the department of administration for bed per diem costs
35 associated with the contract.

36 Sec. 5. Criminal justice enhancement fund; state general fund
37 deposit; crime laboratory assessment fund

38 Notwithstanding any other law, for fiscal year 2006-2007, any monies
39 distributed from the criminal justice enhancement fund pursuant to section
40 41-2401, subsection D, paragraph 11, Arizona Revised Statutes, shall be
41 deposited in the crime laboratory assessment fund established by section
42 41-2415, Arizona Revised Statutes. Notwithstanding section 41-2415,
43 subsection C, Arizona Revised Statutes, monies distributed by this section
44 pursuant to section 41-2401, subsection D, paragraph 11, Arizona Revised

1 Statutes, are for use by the department of public safety and are exempt from
2 distribution to political subdivisions.

3 Sec. 6. Justices of the peace; payment of compensation; fiscal
4 year 2006-2007

5 Notwithstanding section 22-117, subsection B, Arizona Revised Statutes,
6 for fiscal year 2006-2007, the state shall pay 38.5 per cent of the
7 compensation and employee related expenditures of a justice of the peace and
8 the county shall pay 61.5 per cent of the compensation and employee related
9 expenditures of a justice of the peace, except that the county shall pay the
10 full amount of the employer contribution to the Arizona state retirement
11 system or any county health plan.

12 Sec. 7. Collection enforcement revolving fund; attorney
13 general; use

14 Notwithstanding section 41-191.03, subsection B, Arizona Revised
15 Statutes, the attorney general may use monies in the collection enforcement
16 revolving fund established by section 41-191.03, Arizona Revised Statutes,
17 for any operating expenses incurred by the department of law in fiscal year
18 2006-2007.

19 Sec. 8. Retroactivity

20 Section 41-191.09, Arizona Revised Statutes, as amended by this act,
21 applies retroactively to from and after June 30, 2006.

APPROVED BY THE GOVERNOR JUNE 21, 2006.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 21, 2006.